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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,749	06/28/2001	Ikuo Sasazaki	826.1732	3645

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EXAMINER	
PESIN, BORIS M	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,749	SASAZAKI ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 06/18/2004.

Claims 1-13 are pending in this application. Claims 1, 9, 10, 11, 12, and 13 are independent claims. In the Amendment A, Claims 1, 8, 9, 10, 11, 12, and 13 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear in the claims whether the "judging whether to hold a face-to-face conference based on an index" is performed by the "judgment unit" or some or entity such as a human operator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 9 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) in view of Scully et al. (US 5070470).

In regards to claim 1, Schoof teaches a process apparatus, comprising: a storage unit storing information about a discussion at an electronic conference ("transcription and digital storage of a complete record of the conference, Column 3, Line 17); and a judgment unit calculating an index indicating an amount of the information stored about a discussion ("signals from a large variety of sensors for monitoring any type of human or physical activity" Column 5, Line 48). Schoof does not teach an apparatus that judges whether to hold a face-to-face conference based on the index. However, Schoof

teaches that "when the current speaker's communications time-period is about to expire, a warning message is transmitted" Column 9, Line 10). Scully teaches, "generating a data stream which facilitates the automatic scheduling of a meeting" (Column 5, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Scully to include a convenient way of scheduling a meeting in response to a warning message, which monitors the users activity, with the motivation to provide for a convenient way of saving time to schedule meetings.

In regards to claim 2, Schoof and Scully teach all the limitations of claim 1. Scully further teaches an apparatus further comprising a notification unit notifying participants of the electronic conference of a holding of the face-to-face conference if said judgment unit determines to hold the face-to-face conference. ("The trigger entry provides a way to notify either the calendar owner or specified list or lists of calendar users. Notification may occur in the form of an audio alarm and/or a character message.", Column 3, Line 10).

In regards to claim 9, Schoof teaches a process apparatus, comprising: a storage unit storing information about a discussion at an electronic conference ("transcription and digital storage of a complete record of the conference, Column 3, Line 17); and a judgment unit calculating an index indicating a possibility of the discussion diverging ("signals from a large variety of sensors for monitoring any type of human or physical activity" Column 5, Line 48). Schoof does not teach an apparatus that judges whether to hold a face-to-face conference based on the index. However, Schoof teaches that

"when the current speaker's communications time-period is about to expire, a warning message is transmitted" Column 9, Line 10). Scully teaches, "generating a data stream which facilitates the automatic scheduling of a meeting" (Column 5, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Scully to include a convenient way of scheduling a meeting in response to a warning message, which monitors the users activity, with the motivation to provide for a convenient way of saving time to schedule meetings.

In regards to claim 10, Schoof teaches a process apparatus for executing a process of an asynchronous electronic conference among a plurality of areas in a distributed environment, comprising: a communications unit transmitting information about a discussion at the electronic conference between areas ("In this embodiment, participants communicating via the data terminals only transmit or receive text and graphic data." Column 6, Line 43); a storage unit storing the information about the discussion ("transcription and digital storage of a complete record of the conference, Column 3, Line 17). Schoof does not teach a judgment unit judging whether to hold a face-to-face conference based on an amount of the stored information about the discussion. However, Schoof teaches that "when the current speaker's communications time-period is about to expire, a warning message is transmitted" Column 9, Line 10). Scully teaches, "generating a data stream which facilitates the automatic scheduling of a meeting" (Column 5, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Scully to include a convenient way of scheduling a meeting in response to a warning message,

which monitors the users activity, with the motivation to provide for a convenient way of saving time to schedule meetings.

In regards to claim 11, Schoof teaches a computer-readable storage medium on which is recorded a program enabling a computer to execute a process, said process comprising; calculating an index indicating an amount of a stored information about a discussion at an electronic conference ("signals from a large variety of sensors for monitoring any type of human or physical activity" Column 5, Line 48). Schoof does not teach a process judging whether to hold a face-to-face conference based on the index. However, Schoof teaches that "when the current speaker's communications time-period is about to expire, a warning message is transmitted" Column 9, Line 10). Scully teaches, "generating a data stream which facilitates the automatic scheduling of a meeting" (Column 5, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Scully to include a convenient way of scheduling a meeting in response to a warning message, which monitors the users activity, with the motivation to provide for a convenient way of saving time to schedule meetings.

In regards to claim 12, Schoof teaches a process method comprising; recording information about a discussion at an electronic conference ("transcription and digital storage of a complete record of the conference, Column 3, Line 17); calculating an index indicating an amount of the information about the discussion ("signals from a large variety of sensors for monitoring any type of human or physical activity" Column 5, Line 48). Schoof does not teach a process judging whether to hold a face-to-face

conference based on the index. However, Schoof teaches that "when the current speaker's communications time-period is about to expire, a warning message is transmitted" Column 9, Line 10). Scully teaches, "generating a data stream which facilitates the automatic scheduling of a meeting" (Column 5, Line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Scully to include a convenient way of scheduling a meeting in response to a warning message, which monitors the users activity, with the motivation to provide for a convenient way of saving time to schedule meetings.

Claim 13 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Scully et al. (US 5070470) in view of Garback et al. (US 5237499).

In regards to claim 3, Schoof and Scully teach all the limitations of claim 2. They do not teach an apparatus further comprising a reservation unit making reservations for facilities needed to hold the face-to-face conference if said judgment unit determines to hold the face-to-face conference, said notification unit notifies expected participants of information about reserved facilities. Garback teaches a method wherein, "The CPU is programmed to select an individual group member itinerary for the specific venue which includes specific airline flights, and if necessary, specific hotel accommodations and specific rental car services." (Abstract, Line 14). Garback further teaches, "A response

message, such as is illustrated in FIG. 4, is formatted in step 69 to be returned to the individual group member traveler." (Column 7, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with teachings of Garback to include a method of reserving facilities needed to hold meetings with the motivation to provide a convenient process of organizing the facilities to host a meeting.

In regards to claim 4, Schoof, Scully, and Garback teach all the limitations of claim 3. Garback further teaches apparatus wherein said reservation unit makes reservations for transportation needed for the expected participants to participate at the face-to-face conference ("The CPU is programmed to select an individual group member itinerary for the specific venue which includes specific airline flights, and if necessary, specific hotel accommodations and specific rental car services." Abstract, Line 14); and said notification unit notifies the expected participants of information about reserved transportation. ("A response message, such as is illustrated in FIG. 4, is formatted in step 69 to be returned to the individual group member traveler." Column 7, Line 15).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Scully et al. (US 5070470) in view of Newman et al. (US 6151575).

In regards to claim 5, Schoof and Scully teach all the limitations of claim 1. They do not teach the apparatus according to claim 1, wherein said judgment unit uses a number of speakers in the discussion as the index, and if the number of speakers

exceeds a specific value, said judgment unit determines to hold the face-to-face conference. Newman teaches, "After the transforms are produced, the speaker count is incremented (step 630) and a determination is made as to whether the speaker count exceeds N.sub.s, the number of speakers (i.e., a determination is made as to whether transforms have been generated for all of the speakers) (step 635)." (Column 10, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with the teachings of Newman to include an apparatus to count the number of speakers and compare it against a certain number with the motivation to provide a convenient way of scheduling a meeting based on the user attendance.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Scully et al. (US 5070470) in view of Gruen et al. (US 6393460).

In regards to claim 6, Schoof and Scully teach all the limitations of claim 1. Schoof and Scully do not teach the apparatus wherein said judgment unit uses a number of utterances in the discussion as the index, and if the number of utterances exceeds a specific value, said judgment unit determines to hold the face-to-face conference. Gruen teaches, "Chat data is retrieved until the number of utterances reaches a predefined threshold T, step 126, which is sufficient to create a meaningful data set. When the threshold is reached, each utterance retrieved is considered, step 12, and each token in each utterance considered, step 130." (Column 7, Line 20). It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with the teachings of Gruen to include a method to determine if the number of utterances exceeds a threshold value with the motivation to provide a convenient way to schedule a meeting with other participants based on the level of interaction between participant during the meeting.

In regards to claim 8, Schoof and Scully teach all the limitations of claim 1. Schoof and Scully do not teach the apparatus, wherein said judgment unit uses a data amount of the information stored about the discussion as the index, and if the data amount exceeds a specific value, said judgment unit determines to hold the face-to-face conference. Gruen teaches, "Chat data is retrieved until the number of utterances [i.e. data amount] reaches a predefined threshold T, step 126, which is sufficient to create a meaningful data set. When the threshold is reached, each utterance retrieved is considered, step 12, and each token in each utterance considered, step 130." (Column 7, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with the teachings of Gruen to include a method to determine if the number of utterances exceeds a threshold value with the motivation to provide a convenient way to schedule a meeting with other participants based on the level of activity during the meeting.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Scully et al. (US 5070470) in view of Nitta et al. (US 6154764).

In regards to claim 7, Schoof and Scully teach all the limitations of claim 1. They do not teach, process apparatus wherein said storage unit stores information about the discussion in a tree structure; and said judgment unit uses a depth of the tree structure as the index, and if the depth of the tree structure exceeds a specific value, said judgment unit determines to hold the face-to-face conference. Nitta teaches, "A plurality of comments can be associated with one message, and a discussion is represented by a tree structure." (Column 1, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with the teachings of Nitta and include a method of having the discussion stored in a tree structure with the motivation to examine the structure of the tree and provide a convenient method of determining whether the conversations at the meeting warrant another conference.

Response to Arguments

The applicant argues,

a. Schoof does not teach an index indicating an amount of the information stored about the discussion.

b. Nothing has been found in either Schoof or Scully teaching or suggesting calculating an index indicating an amount of the information stored about the discussion and judging whether to hold a face-to-face conference based on the index.

c. Nothing was cited in either Schoof or Scully regarding calculating an index indicating a possibility of the discussion diverging.

d. No suggestion was cited or found in Gruen of using a "number of utterances ... sufficient to create a meaningful data set" to end an on-line session and have the conversation take place face-to-face.

In regards to argument (a), Schoof teaches "A conference controller is equipped with "conference controller" software, memory 500 for storing participant information data, rule base data, an archived record of a conference, and optionally, facilities such as translation and transcription facilities for processing conference data." Column 5, Line 65). If the information is stored and processed, there is an index for indicating how much information there is.

In regards to argument (b), the Examiner points out the rejection for claim 1 which states how Schoof and Scully teach calculating an index indicating an amount of the information stored about the discussion and judging whether to hold a face-to-face conference based on the index when both of the references are combined.

In regards to argument (c), the Examiner points out the rejection for claim 9 which states how Schoof and Scully teach calculating an index indicating a possibility of the discussion diverging when the two references are combined.

In regards to argument (d), the Applicant argues that no suggestion was cited or found in Gruen to end an on-line session. However this limitation is not claimed in the applicant's application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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